

Lab E-4

Memorandum



Subject

Upgrade of Positions

Date

FEB 26 1991

To

All United States Trustees

From

Susan K. Jones
Executive Officer
Executive Office for
United States Trustees

As indicated at the most recent United States Trustee meeting in Nashville, I am pleased to announce that we have achieved a major breakthrough with the Justice Management Division. This breakthrough represents the first return on our efforts to upgrade a number of our positions. You will be delighted to know that the Department of Justice's Personnel Office has classified the following positions: GM-15 Senior (Regional) Bankruptcy Analyst, GS-14 Bankruptcy Analyst and GS-7 Legal Clerk.

The United States Trustee Program policy on the filling of these positions is as follows:

The creation of a GM-15 Regional Bankruptcy Analyst position allows for GS/GM-14 Bankruptcy Analysts who have been in grade for 2 years (unless they are eligible for a waiver of time-in-grade of up to one year by having received an Outstanding performance rating for the current rating period) to compete for this position. In order to qualify for promotion to this position, a candidate's record of experience and training must show the ability to perform the duties at the GM-15 level. This position will have regional responsibility for all financial matters. Evidence must be provided that the individual is capable of performing as the regional expert on financial matters, be instrumental in developing regional policy incident to the region's financial operations and is capable of oversight responsibility over other Analysts within the region, as well as all standing and panel trustees. This position is outside the Bankruptcy Analysts' present career ladder, and therefore this position must be filled through merit promotion procedures. It may be filled by either promotion from within your region or from outside the program. In order to promote from within, the position must be advertised regionwide to allow all GM/GS-14 Analysts the opportunity to be considered. To fill this position from the outside, you must have a Bankruptcy Analyst position



vacancy. The attached Notice of Vacancy may then be circulated using your regular Excepted Service recruitment methods. Whichever way you choose, please submit a "recruit" SF-52 to the Executive Office, Personnel Section, along with a copy of the completed Notice of Vacancy to be posted. Once the SF-52 has been approved by the Executive Office, the Personnel Section will notify your Staff Assistant, and the Notice of Vacancy should then be posted for at least 10 days. If more than 10 candidates are determined basically qualified, you may refer all applications to the Executive Office, Personnel Section for preparation of the promotion candidate list (OBD-195). If less than 10 candidates are determined basically qualified, your Staff Assistant may prepare the candidate list locally. Once the Personnel Section has received the promotion candidate list indicating your selection, along with the SF-171s of all those who applied, the Personnel Section will then process the requested action.

The career ladder for non-supervisory, non-managerial Bankruptcy Analysts has also been expanded to the GS-14 grade level. Any Bankruptcy Analyst who has been performing at the GS-13 level for at least 2 years will be eligible for promotion to the GS-14 grade level. Outstanding performance may result in a recommendation for a waiver of the minimum time-in-grade of up to one year for a GS-14. In order to qualify for such a career ladder promotion, however, a candidate's record of experience and training must show the ability to perform the duties at the GS-14 level. Evidence must be provided that the individual is performing complex Chapter 11 case work.

The career ladder for Legal Clerks has been expanded to the GS-7 grade level. Any Legal Clerk who has been performing at the GS-6 level for at least 1 year will be eligible for promotion to the GS-7 grade level. In order to qualify for such a career ladder promotion, however, a candidate's record of experience and training must show the ability to perform the duties at the GS-7 level.

It will not be necessary to advertise either the GS-14 Bankruptcy Analyst or GS-7 Legal Clerk position to promote a current employee since these positions have been added to their respective career ladder. However, care must be given to ensure that all eligible employees are given the same consideration and that the same criteria is applied when determining who to promote.

Attached for your information is a copy of these newly classified position descriptions. We are continuing to work with the Department's Personnel Office on upgrading the Staff Assistant and Case Manager positions. We hope to have a decision from them within the month. We are also focusing on upgrading the Legal Data Technician position but are unsure of what the results may be. Please be assured that you will be advised of any further developments. Any questions you may have regarding these matters should be directed to Ron Frazee on FTS 367-1215.

cc: Staff Assistants

Attachment

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POSITION DESCRIPTION (Please Read Instructions on the Back)

					1. Agency Position No.		
2. Reason for Submission Redescription <input checked="" type="checkbox"/> New <input type="checkbox"/> Reestablishment <input type="checkbox"/> Other Explanation (Show any positions replaced)	3. Service <input type="checkbox"/> Hqrs. <input checked="" type="checkbox"/> Field	4. Employing Office Location Washington, D.C.	5. Duty Station	6. OPM Certification No.			
7. Fair Labor Standards Act <input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Nonexempt					8. Financial Statements Required <input type="checkbox"/> Executive Personnel <input type="checkbox"/> Financial Disclosure <input type="checkbox"/> Financial Interest	9. Subject to IA Action <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
10. Position Status <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Excepted (Specify in Remarks) SES (Gen.) SES (CH)					11. Position Inc. <input checked="" type="checkbox"/> Managerial <input type="checkbox"/> Professional <input type="checkbox"/> Technical <input type="checkbox"/> Clerical <input type="checkbox"/> Other	12. Sensitivity <input type="checkbox"/> 1-High <input type="checkbox"/> 2-Moderate <input checked="" type="checkbox"/> 3-Critical <input type="checkbox"/> 4-Special <input type="checkbox"/> Confidential	13. Competitive Level Code
14. Agency Use							
15. Classified/Graded by a. U.S. Office of Personnel Management	Official Title of Position Senior Bankruptcy Analyst			Pay Plan GM	Occupational Code 00301	Grade 15	Initials Date
b. Department, Agency or Establishment							
c. Second Level Review							
d. First Level Review							
e. Recommended by Supervisor or Including Office							
16. Organizational Title of Position (if different from official title)				17. Name of Employee (if vacant, specify)			
18. Department, Agency, or Establishment U.S. Department of Justice	c. Third Subdivision						
a. First Subdivision Executive Office for U.S. Trustees	d. Fourth Subdivision						
b. Second Subdivision Office of the U.S. Trustee	e. Fifth Subdivision						
iv. Employee Review—This is an accurate description of the major duties and responsibilities of my position.	Signature of Employee (optional)						
20. Supervisory Certification. I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.							
d. Typed Name and Title of Immediate Supervisor John E. Logan, Director	b. Typed Name and Title of Higher-Level Supervisor or Manager (optional)						
Signature 	Date FEB 4 1991	Signature	Date				
21. Classification/Job Grading Certification. I certify that this position has been classified/graded in accordance with Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standards.	22. Position Classification Standards Used in Classifying/Grading Position 5 CFR 511, 512, 513, 514, 515, 516, 517, 518, 519, 510, 511.2, 511.3, 511.4, 511.5, 511.6, 511.7, 511.8, 511.9, 511.10, 511.11, 511.12, 511.13, 511.14, 511.15, 511.16, 511.17, 511.18, 511.19, 511.20, 511.21, 511.22, 511.23, 511.24, 511.25, 511.26, 511.27, 511.28, 511.29, 511.30, 511.31, 511.32, 511.33, 511.34, 511.35, 511.36, 511.37, 511.38, 511.39, 511.40, 511.41, 511.42, 511.43, 511.44, 511.45, 511.46, 511.47, 511.48, 511.49, 511.50, 511.51, 511.52, 511.53, 511.54, 511.55, 511.56, 511.57, 511.58, 511.59, 511.60, 511.61, 511.62, 511.63, 511.64, 511.65, 511.66, 511.67, 511.68, 511.69, 511.70, 511.71, 511.72, 511.73, 511.74, 511.75, 511.76, 511.77, 511.78, 511.79, 511.80, 511.81, 511.82, 511.83, 511.84, 511.85, 511.86, 511.87, 511.88, 511.89, 511.90, 511.91, 511.92, 511.93, 511.94, 511.95, 511.96, 511.97, 511.98, 511.99, 511.100, 511.101, 511.102, 511.103, 511.104, 511.105, 511.106, 511.107, 511.108, 511.109, 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SENIOR BANKRUPTCY ANALYST
GM-0301-15

I. Introduction

Incumbent serves as the Regional Director of Finance and Audit in the headquarters Office of the United States Trustee. Serves under the direct supervision of the United States Trustee and provides expert advice and council to the U.S. Trustee on all matters relating to the financial and administrative areas of the U.S. Trustee program in the Region in order to fulfill the duties and responsibilities assigned by title 11 of the United States Code.

II. Duties and Responsibilities

Advises the U.S. Trustee and/or Assistant U.S. Trustee on the economic and financial status and related investigative work in the most complex bankruptcy cases filed in the Region.

Performs technically complex and in-depth analytical work in those Chapter 11 cases involving Regional exposure. Applies professional accounting and auditing knowledge, understanding of business operations and knowledge of bankruptcy laws and procedures in examining complex cases involving large national corporations. Examines corporate structure, assets and liabilities, income and expenditures, and competency of management to determine the feasibility of the debtor's plans and viability of the business. Provides on-site review of debtor's records and books, and makes recommendations to the U.S. Trustee with respect to the necessity for appointment of a trustee or Examiner and/or motions to convert or dismiss the case or accelerate the filing of a reorganization plan.

Manages the supervision and evaluation of Chapter 7 Panel Trustees, Chapter 12/13 Standing Trustees and Chapter 11 Trustees. Coordinates the clearance of audit findings and ensures adequate resolution action has been taken. Recommends to the U.S. Trustee clearance or other appropriate actions. Coordinates with the Executive Office the audits of Chapter 12/13 standing trustees by Independent Public Accountants (IPA), reviews preliminary reports and discusses report disclosures with the IPAs, forwards the reports to the standing trustees and discusses corrective actions to resolve the weaknesses.

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Assists the U.S. Trustee in the development of regional policies on office operations to establish consistency within the Region. Serves as the U.S. Trustee's internal control officer responsible for the development and implementation of effective internal controls in the offices of the U.S. Trustee. Reviews and assesses district office compliance with U.S. Trustee policy and reports results to UST. Develops strategies for corrective actions to resolve complex organizational and managerial issues.

Provides guidance and direction to lower-graded analysts and paralegals in administering the U.S. Trustee program. Reviews the analysis of lower-graded analysts. Recommends appropriate actions to the UST. Develops and coordinates training needs of bankruptcy analysts in the Region and assists AUSTs in evaluating their performance. Develops, coordinates and conducts regional training seminars for other employees.

Conducts in depth investigation of fraudulent activities or management negligence. Confers with other Government agencies e.g., Internal Revenue Service, United States Attorney, FBI, as appropriate.

Assists the U.S. Trustee in the organization and supervision of creditor committees in large and complex cases, instructs the committee members on their duties and provides advice on financial matters relating to the debtor's operations.

Reviews and advises the U.S. Trustee on all trustee audits. Controls clearance of all audits and determines appropriate actions. Recommends clearance or further actions to the U.S. Trustee, including follow-up action at the trustee's office.

Supervises the Chapter 12/13 Standing Trustees and makes recommendations to the U.S. Trustee regarding operating budgets, percentage fee rates, audit clearances and other matters. Develops guidelines to implement U.S. Trustee program policies and procedures for Standing Trustees. Evaluates performance of Standing Trustees and provides expert advice on organizational standards and operational procedures.

Supervises lower-graded bankruptcy analysts and provides guidance and direction. Assigns specific duties in conjunction with the AUST to analysts when regional problems need to be addressed. Directs the operational and cash management reviews of trustees and evaluates the analysts' performance.

III. FACTOR LEVEL DESCRIPTIONS

1. Knowledge Required

Professional knowledge of accounting and financial analysis.

Broad knowledge of financial management and business operations and practices.

Knowledge and skill to apply new developments in conducting reviews in order to develop reports, procedures, and systems and maximize the economy and efficiency of the oversight program.

Knowledge of general management principles, functions, processes, and practices in order to manage complex programs and projects and to develop recommendations to effectively carry out the mission of the U.S. Trustee program.

In-depth knowledge of the U.S. Bankruptcy Code and other applicable federal, state and local laws, legal and judicial principles, practices and terminology.

Thorough understanding of the objectives, policies and operations of the United States Trustee program.

Skill in written and oral communications to draft plans, policies, and guidelines, and to establish and maintain effective relationships with own staff, U.S. Trustees, representatives of private sector auditing firms, standing and panel trustees, and Department officials.

A working knowledge of computer systems and ability to operate personal computers and to apply automated support in preparing financial spreadsheets.

Ability to apply a high level of sound, independent judgement in the solution of financial problems.

2. Supervisory Controls

The incumbent works under the general policy guidance of the United States Trustee who establishes overall Regional objectives. The incumbent is considered a technical expert and plans, coordinates, and carries out highly complex projects independently. Work is reviewed from a policy standpoint only.

3. Guidelines

The established procedures and guidelines of the United States Trustee office, the U.S. Bankruptcy Code, local rules of practice and accounting practices and procedures constitute the significant guidelines available. The incumbent exercises a high degree of initiative and judgement in interpreting and applying these guidelines in carrying out assignments. The incumbent is also responsible for selecting from the complete range of analysis and investigative techniques those methods needed to determine proper processing of bankruptcy cases. However, the incumbent is primarily in the position of developing the primary policies within the Region (i.e., internal controls, standing Trustee policy and procedures), and is recognized, as the Region's expert on financial matters.

4. Complexity

The work involves the economic and financial analysis of nationally prominent corporate debtors who engage in large-scale commercial operations such as: retail, manufacturing, construction and transportation businesses; or businesses having valuable or unusual assets such as jewelers, furriers, druggists, and taverns or night clubs. The analyses often deal with unknown factors which can only be discovered through intensive analysis of voluminous documents, such as in trustee reconstructions, bust-outs, or concealment of asset cases. The incumbent provides technical advice and recommendations for the overall handling of the case and must act within established deadlines in consideration of the Bankruptcy Code. Actions and recommendations directly affect the outcome of the case.

5. Scope and Effect

The purpose of the work is to assist the United States Trustee program's mission to supervise and ensure integrity in the administration of cases filed under title 11 of the United States Code. The incumbent ensures that each case meets the legal and regulatory requirements of the Bankruptcy Code.

Advice, information, and recommendations made by the incumbent form the basis for decisions made by the United States Trustee/Assistant U.S. Trustee. Decisions made affect the outcome of cases and the ability of the office to carry out its mission.

6. Personal Contacts

Contacts include nationally prominent corporations or business leaders or their representatives, employees of other governmental agencies (i.e. Securities and Exchange Commission and Internal Revenue Service), and state and local taxing authorities.

7. Purpose of Contacts

Contacts are primarily made in the course of investigating the management and financial structures of commercial or business debtors for the purpose of obtaining information necessary to the investigation, to recommend appropriate courses of action or to negotiate actions which may/may not be taken by trustees, information contained in financial statements and/or final reports, fee applications, or conditions of reorganization plans. These contacts often require tact and diplomacy in persuading parties in the bankruptcy process to pursue alternate courses of action.

8. Physical Demands

Work is sedentary with no unusual physical demands. However, incumbent will be required to travel with little or no advance notice.

9. Work Environment

Work is done in an office setting where there are no unusual hazards or discomforts.